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UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Washington, D.C.

SUPPLEMENT IV TO SRA-AMS-93 (Revised January 4, 1957)

Sections 51.37 and 51.45(d) of Service and Regulatory Announcements No. 93 (Revised Jan. 4, 1957) REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS¹ (7 CFR 51.1 through 51.67) was amended effective August 15, 1960 by deleting the same and inserting in lieu thereof the following:

§ 51.37 Basis for charges.

(a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, \$15.00 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$9.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size which contains more than one kind of a product shall be \$30.00. For an inspection covering condition-only, \$12.00 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and \$8.00 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition-only inspection of any carload not exceeding the customary size which contains more than one kind of a product shall be \$24.00. When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and carload rates aforesaid applied: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the

different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

(c) When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots or when samples are drawn, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$5.00 per hour, or the charges may be based on the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

(d) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled work week, the charge for inspection shall be \$2.50 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.45 Schedule of fees.

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(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this revision later than August 15, 1960 (5 U.S.C. 1001-

¹ Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower buds; and onion sets.



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1011) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases in fees set forth herein are necessary to more nearly cover such cost including, but not limited to, increased salaries to Federal employees required by recent legislation (Public Law 86-568); (3) it is imperative that the increase in fees become effective in time to meet such increased costs; and (4) additional

time is not required by users of the inspection service to comply with this revision.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: August 1, 1960, to become effective at 12:01 a.m., August 15, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

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8:52 a.m.]